

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NICO TRINKHAUS,

Plaintiff,

**ORDER**

- against -

20 Civ. 2891 (NRB)

CONSUMERTRACK, INC.,

Defendant.

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**NAOMI REICE BUCHWALD**  
**UNITED STATES DISTRICT JUDGE**

WHEREAS, on July 7, 2020, plaintiff moved for the entry of a default judgment (ECF No. 8); and

WHEREAS, on July 15, 2020, the Court denied plaintiff's motion without prejudice and ordered plaintiff "to serve the defendant by mail, FedEx, or an equivalent service, with a return receipt," which "must be signed by a representative of defendant authorized to receive service of process on its behalf." (ECF No. 13); and

WHEREAS, on July 21, 2020, plaintiff filed an affidavit of service attaching a USPS certified mail receipt that was not signed by a representative of defendant (ECF No. 14); and

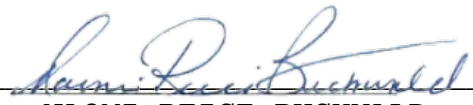
WHEREAS, on July 29, 2020, the Court again declined to enter a default judgment in plaintiff's favor because plaintiff's affidavit of service did not comply with the Court's July 15, 2020 Order (ECF No. 16); and

WHEREAS, plaintiff has not apprised the Court of any further

activity he has taken to prosecute his case since July 29, 2020, it is hereby

**ORDERED** that unless plaintiff demonstrates by meaningful action an intent to prosecute this case within the next 30 days, expiring on **October 8, 2020**, the Court will dismiss plaintiff's case without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

Dated: New York, New York  
September 8, 2020

  
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NAOMI REICE BUCHWALD  
UNITED STATES DISTRICT JUDGE